

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

David S. Scofield,	:	
	:	Civil Action 2:20-cv-00648
Plaintiff,	:	
	:	Chief Judge Algenon L. Marbley
v.	:	
	:	Magistrate Judge Kimberly A. Jolson
Judyth A. LeDoux, Director of Industry	:	
Operations, Columbus Field Division,	:	
Bureau of Alcohol, Tobacco, Firearms	:	
and Explosives,	:	
	:	
Defendant.	:	

RULE 26(f) REPORT OF PARTIES

Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on May 6, 2020 and was attended by:

Thomas C. Loepp, Esq., Thomas C. Loepp, Law Offices, Co., LPA, 3580 Darrow Road, Stow, Ohio 44224, (330) 688-0560, Tom@AttorneyLoepp.com, Counsel for Plaintiff, David S. Scofield.

Christopher R. Yates, Assistant United States Attorney, 303 Marconi Boulevard, Suite 200, Columbus, Ohio 43215, (614) 469-5715, christopher.yates@usdoj.gov, Counsel for Defendant, Bureau of Alcohol, Tobacco, Firearms and Explosives.

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. CONSENT TO MAGISTRATE JUDGE

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)?

_____ Yes X No

2. INITIAL DISCLOSURES

Have the parties agreed to make initial disclosures?

_____ Yes X No The proceeding is exempt under Rule 26(a)(1)(B)

If yes, such initial disclosures shall be made by N/A.

3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

_____ Yes X No

If yes, describe the issue:

N/A.

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by

N/A.

4. PARTIES AND PLEADINGS

- a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by June 20, 2020.
- b. If the case is a class action, the parties agree that the motion for class certification shall be filed by N/A.

5. MOTIONS

- a. Are there any pending motion(s)?

_____ Yes X No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number:

- b. Are the parties requesting expedited briefing on the pending motion(s)?

Yes X No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____.

6. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand:

This action was filed under 18 U.S.C. § 923(f)(3) for judicial review of the non-renewal of a federal license as a Manufacturer of Firearms Other than Destructive Devices, alleging that Plaintiff's felony conviction for Improper Handling of a Firearm in a Motor Vehicle in violation

of ORC § 2923.16(B) & (I), with Specification, which formed in part the basis for non-renewal, “had not become final.”

7. DISCOVERY PROCEDURES

- a. The parties agree that all discovery shall be completed by December 31, 2020. The parties to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court.
- b. Do the parties anticipate the production of ESI? _____Yes X No

If yes, describe the protocol for such production: To be determined at the Preliminary Pretrial Conference.

- c. Do the parties intend to seek a protective order or clawback agreement? No .

8. DISPOSITIVE MOTIONS

- a. Any dispositive motions shall be filed by February 5, 2021.
- b. Are the parties requesting expedited briefing on dispositive motions?

_____Yes X No

If yes, identify the proposed expedited schedule:

N/A

9. EXPERT TESTIMONY

- a. Primary expert reports must be produced by: the parties do not anticipate the need for expert testimony, reports and/or rebuttal.
- b. Rebuttal expert reports must be produced by N/A.

10. SETTLEMENT

Defendant represents that this action is not, nor can it be amenable to settlement as it demands the reversal of an administrative and/or ministerial function, specifically a challenge to the non-renewal of a federal license as a Manufacturer of Firearms Other than Destructive

Devices. Upon opinion and order of this Court, as a matter of law, at the close of this action, Plaintiff's prayer will be satisfied, or it will not.

11. RULE 16 PRETRIAL CONFERENCE

Do the parties request a scheduling conference?

_____ Yes, the parties would like a conference with the Court prior to it issuing a scheduling order. The parties request that the conference take place _____ in chambers _____ by telephone.

X No, a conference is not necessary; the Court may issue a scheduling order after considering this Report.

12. OTHER MATTERS

Indicate any other matters for the Court's consideration.

As an administrative appeal, pursuant to 18 U.S.C. § 923(f)(3), documents and/or information that may be reasonably relied-upon by the parties (i.e., discovery) consists of a copy of the entire administrative record. The only portion of this record to which Plaintiff may not have access is the October 22, 2019 transcription of the hearing to review the denial of the renewal of Plaintiff's federal license as a Manufacturer of Firearms Other than Destructive Devices. Upon Plaintiff's request for the foregoing, Defendant will so provide thus obviating the "discovery phase" of this action.

Respectfully submitted,

DAVID M. DEVILLERS,
UNITED STATES ATTORNEY

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